

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT HUNTINGTON

ROBERT PEREZ,¹

Plaintiff,

V.

CIVIL ACTION NO. 2:04-0581

JUDGE MIKE KELLY, et al.,

Defendants.

FINDINGS AND RECOMMENDATION

This matter comes before the Court on plaintiff's "Voluntary Withdrawal of Civil Action # 2:04-0581," wherein plaintiff states that he withdraws "all previously filed pro se pleadings" and the "complaint." The pleading was filed on January 24, 2005, and defendants have not filed objections.

RECOMMENDATION

In light of the foregoing, it is **RESPECTFULLY RECOMMENDED** that plaintiff's motion to withdraw be granted and that this action be dismissed, without prejudice.

Plaintiff and defendants are hereby notified that a copy of these Findings and Recommendation will be submitted to the Honorable John T. Copenhaver, Jr., United States District Judge, and that, in accordance with the provisions of Rule 72(b), Fed.R.Civ.P., the parties may, within

¹ A motion to amend the complaint by adding Robert Gregory Perez as a party plaintiff is pending before the Court; however, no action has been taken on that motion.

thirteen days from the date of filing of these Findings and Recommendation, serve and file written objections with the Clerk of this Court identifying the portions of the Findings and Recommendation to which objection is made and the basis for such objection. The Judge will make a de novo determination of those portions of the Findings and Recommendation to which objection is made in accordance with the provisions of 28 U.S.C. §636(b) and the parties are advised that failure to file timely objections will result in a waiver of their right to appeal from a judgment of the district court based on such Findings and Recommendation. Copies of objections shall be served on all parties with copies of the same to Judge Copenhaver and this Magistrate Judge.

The Clerk is directed to file these Findings and Recommendation and mail a copy of the same to the Honorable John T. Copenhaver, United States District Judge, plaintiff and counsel of record.

DATED: February 15, 2005


MAURICE G. TAYLOR, JR.
UNITED STATES MAGISTRATE JUDGE